IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Bail Appl..No. 267 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.7698/2006 Dated 02/01/2007

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CRIME NO.298/06 OF ARYANCODE POLICE STATION

: PETITIONER/IST ACCUSED

A.CHANDRAN, S/O.APPU,
NEAR R.C.CHURCH, VALIYAVAZHY,
NEYYATTINKARA TALUK.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
ARYANCODE POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 267 OF 2007

Dated this the 1st day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the first accused in Crime No.298/2006 of Aryancode Police Station for offences punishable under Sections 324, 325, 323 and 308 read with section 34 I.P.C., seeks anticipatory bail. The occurrence took place on 5.12.2006 at 8.30 p.m. during which the de facto complainant is alleged to have been attacked by the petitioner using a sword.

2. The learned Public Prosecutor opposed the application submitting, inter alia, that apart from the fact that this is the second application for anticipatory bail, the petitioner is an accused in crime No.99/2004 of Thambanoor Police Station for an offence punishable under section 401 IPC, crime No.519/06 of Chathannoor Police Station for an offence punishable under section 48(c) of the Kerala Police Act and crime No.420/06 of Kuzhithura Police Station for an offence punishable under section 379 IPC.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the

petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed.

With the above observation, this application is disposed of.

(V. RAMKUMAR, JUDGE)

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